

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 1:11CR64-7 |
| |) | |
| PLAINTIFF, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | |
| |) | ORDER |
| BRIAN CHENOWETH, |) | |
| |) | |
| |) | |
| DEFENDANT. |) | |

This matter is before the Court upon Magistrate Judge Kenneth S. McHargh's Report and Recommendation that the Court ACCEPT Defendant Brian Chenoweth's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Doc. No. 126.)

On February 8, 2011, the government filed an Indictment against Defendant. (Doc. No. 1.) On September 19, 2011, a hearing was held in which Defendant entered a plea of guilty to Count 1 of the Indictment, charging him with conspiracy to commit mail fraud in a mortgage fraud scheme, in violation of 18 U.S.C. Section 371. Magistrate Judge McHargh received Defendant's guilty plea and issued a Report and Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Doc. No. 126.)

Neither party objected to the Magistrate Judge's R&R in the fourteen days after it was issued.

Upon *de novo* review of the record, the Magistrate Judge's R&R is ADOPTED. Specifically, the Court finds as follows: that the defendant is competent to enter a plea, that he understands his constitutional rights, that he is aware of the consequences of entering a plea, and that there is an adequate factual basis for the plea. The Court further finds that the plea was entered knowingly, intelligently, and voluntarily. Accordingly, the Defendant's plea of guilty is APPROVED.

Therefore, the Defendant is adjudged guilty of Count 1 in violation of 18 U.S.C. Section 371. The sentencing will be scheduled at a later date.

IT IS SO ORDERED.

Dated: October 21, 2011



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE